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NOTE ON INTERNATIONAL PROTECTION

I. INTRODUCTION

1. The year 2001 is the 50th anniversary of the founding instrument of international refugee protection, the United Nations Convention relating to the Status of Refugees. The Convention's central role in assuring refugee protection has been reconfirmed in many forums this year. Many States and regional organizations have reaffirmed their commitment to the Convention and the 1967 Protocol to the Convention, describing them as unique instruments and as the foundation of the international regime for the protection of refugees.[1] At the same time, States face considerable challenges as they try and reconcile their obligations under the Convention with problems raised by the mixed nature of migratory movements, misuse of the asylum system, increasing costs, the growth in smuggling and trafficking of people, and the struggle to manifest international solidarity to resolve refugee situations. Against this background, this year's Note on International Protection, covering the period since mid-2000, focuses on the 1951 Convention itself. It examines its broader rationale, locates it in its contemporary context, analyzes the challenges it faces, and assesses in some detail the application of the key standards it contains. In so doing the Note also draws attention to selected developments which might be termed "best practices", both of UNHCR and of States, whose replication is promoted. It concludes with some

[1] International Parliamentary Union (IPU) Council, Resolution on the 50th Anniversary of the Adoption of the 1951 Convention relating to the Status of Refugees, Havana, Cuba, 7 April 2001; Organization of American States General Assembly, Resolution on the Protection of Refugees, Returnees and Internally Displaced Persons in the Americas, OEA/Ser. P, AG/RES. 1832 (XXXI-0/01), 5 June 2001; Council of Europe Parliamentary Assembly, Recommendation 1525 (2001), 27 June 2001; Organization of African Unity (OAU) Council of Ministers, Decision on the 50th Anniversary of the Adoption of the 1951 Convention on the Status of Refugees, AHG/Dec. 165 (XXXVII), 5-7 July 2001; Council of the European Union (EU), Declaration on the 50th Anniversary of the 1951 Convention Relating to the Status of Refugees, Press release 10934/01 (Presse 292), 28 July 2001.

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assessment of the extent of the Convention's overall implementation. The way forward in this regard is the central issue offered for discussion.

A. Origins and evolution of the Convention

2. On 28 July 1951, when the Convention was adopted, the world was recovering from a deeply traumatising and destructive period of global war and human rights violations on a horrendous scale. The inspiration for the Convention was the strong international concern to ensure that the disregard for human life, the displacement and the persecution of the war years would not be repeated. The Convention was avowedly humanitarian in character. States moved to extend the global reach of the Convention particularly when, subsequently, they concluded a Protocol to the Convention in 1967. This applied its provisions to all refugees, not simply those forced to flee before 1951 or those in Europe. Over the years, the obligations contained in both instruments have also been complemented, indeed buttressed, by the progressive development of international human rights law.

3. In addition, the particular circumstances of refugee situations in some regions led States to elaborate particularized refugee instruments. The member States of the Organization of African Unity (OAU) concluded the Convention governing the Specific Aspects of Refugee Problems in Africa in 1969, and Central American States, Mexico and Panama agreed on the Cartagena Declaration in 1984. Both instruments take the 1951 Convention refugee definition as their starting point, recognizing its applicability to the specific circumstances in the respective regions, while explicitly including those fleeing generalized violence or other events seriously disturbing public order. Most recently, the Asian-African Legal Consultative Organization (AALCO) agreed in June 2001 on a set of principles concerning the treatment of refugees, which revised and consolidated what are known as the Bangkok Principles.[2] They are the result of more than six years of negotiations and for many countries in Asia represent the only agreed, albeit non-binding, statement of refugee protection principles which have an applicability regionally.

B. Underlying values of the Convention

4. The fundamentally humanitarian, human rights and people-oriented rationale of the 1951 Convention is evident in its preamble. It draws attention amongst other things to the profound concern of the United Nations for refugees and underlines its endeavours to assure them the widest possible exercise of their fundamental rights and freedoms. The Preamble also recognizes very specifically the social and humanitarian nature of the problem of refugees. The human rights base of the Convention roots it quite directly in the broader framework of human rights instruments of which it is an integral part, albeit with a very particular focus. The various human rights treaty monitoring bodies and the jurisprudence developed by regional bodies such as the European Court of Human Rights and the Inter-American Court of Human Rights are an important complement in this regard, not least since they recognize that refugees and asylum-seekers benefit both from specific Convention-based protection and from the range of general human rights protections as they apply to all people, regardless of status.

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[2] Adopted in 1966 by what was then known as the Asian-African Legal Consultative Committee (AALCC) in Bangkok, Thailand.

5. International refugee law principles have repeatedly affirmed the non-political and impartial character of efforts to protect refugees. This is both implicit in the Convention and characterizes UNHCR's work.[3] That the grant of asylum or refuge is a peaceful and humanitarian act which shall not be regarded as an unfriendly act by other States, finds specific formulation in a number of refugee texts.[4] The non-political character of the Convention is instrumental in enabling it to operate in today's often highly politicized contexts.

6. Another significant recognition in the Convention is of the need for international cooperation to share the burdens and responsibilities of hosting refugees and to find solutions to refugee problems. This is essential to achieving effective protection under the Convention. Particularly in situations where the grant of asylum places a heavy burden on States, governments have recognized the need for international solidarity in order to find comprehensive solutions to refugee situations more predictably and equitably.[5]

7. Lastly, a key underlying value of the principles set out in the 1951 Convention is their universal and general character. This is reflected in the Convention's wide ratification and the frequent incorporation of the principles it contains into regional instruments, national legislation and judicial decisions.

C. Scope of application of the Convention and Protocol

8. As with any other international treaty, the interpretation of the Convention (and Protocol) is guided by the relevant provisions of the 1969 Vienna Convention on the Law of Treaties.[6] According to the basic rules of treaty interpretation, the Convention is to be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty, in their context and in light of its object and purpose. In this case, the object and purpose is to protect refugees and to assure them the widest possible exercise of their rights in the absence of effective national protection.

9. The Convention and Protocol have proved resilient in the face of the changing nature of persecution over the last 50 years. In parallel, for instance, with increased awareness of the protection needs of certain groups in society - including women, indigenous groups or those with differing sexual orientation, who are at risk - the Convention has been the mechanism allowing protection to be provided to such groups who are forced to flee. This is not to say that the Convention can be made to address all

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[3] 1950 UNHCR Statute, Article 2.

[4] 1967 General Assembly Declaration on Territorial Asylum; 1969 OAU Refugee Convention, Article II(2); 1977 Council of Europe Committee of Ministers, Declaration on Territorial Asylum, para. 3; 1984 Cartagena Declaration, para. III.4; Executive Committee Conclusion No. 48 (XXXVIII), 1987.

[5] See also *Mechanisms of International Cooperation to Share Responsibilities and Burdens in Mass Influx Situations*, Global Consultations, (EC/GC/01/7), February 2001.

[6] 1969 Vienna Convention on the Law of Treaties, Articles 31 and 32. See also Executive Committee Conclusion No. 77 (XLVI), 1995, para. (e), stressing the importance of interpreting and applying international refugee instruments "in a manner consistent with their spirit and purpose".

contemporary situations of forced displacement. International human rights and humanitarian law instruments, as well as national legislation and jurisprudence, have become an increasingly important complement in this regard. While the Convention has proved its adaptability and resilience over time, there are clearly challenges to the overall regime which call for approaches to supplement and build on the protection it offers.

D. Contemporary protection challenges

10. Implementation of the Convention in a principled way is a challenge for States seeking to respond effectively to contemporary displacement situations. Recurring cycles of violence and systematic human rights violations in many parts of the world, the changing nature of armed conflict and of patterns of displacement, as well as serious apprehensions about "uncontrolled" migration in an era of globalization, are increasingly part of the environment in which refugee protection has to be realized. Trafficking and smuggling of people, abuse of asylum procedures and difficulties in dealing with unsuccessful asylum-seekers are additional, compounding factors. Countries of asylum in many parts of the world are concerned about the failure to resolve certain long-standing refugee problems, urban refugee issues and irregular migration, and about a perceived imbalance in burden- and responsibility-sharing.

11. The various costs associated with hosting often large numbers of asylum-seekers can be onerous. They include the economic burden of offering asylum, especially when set against competing national priorities for limited resources. They also include security concerns, inter-State tensions, irregular migration, social and political unrest, and environmental damage. In some States, there is also a prevalent concern to prevent the politicization of the asylum issue and the development of anti-refugee sentiment, which can lead to acts of racism and xenophobia against asylum-seekers. For a growing number of States the preoccupying dilemma lies in striking a proper balance between receiving people in a safe and dignified way, without encouraging misuse of asylum possibilities by those not in need of international protection who are seeking to bypass migration restrictions. While the immediate causes of forced displacement may be readily identifiable as serious human rights violations or armed conflict, these causes can overlap with, or may stem from or be aggravated by, factors such as economic marginalization and poverty, environmental degradation, population pressures, and poor governance. In addition, asylum-seekers and refugees may use the same mode of travel as undocumented migrants and resort to, or be exploited by, criminal smugglers and traffickers. States have to manage migration flows resolutely and effectively. The challenge is to find the means to control illegal migration in a manner which does not have the effect of enhancing opportunities for smugglers and traffickers, but which ensures that the needs of refugees and asylum-seekers, including access to protection, are properly met.[7]

12. The two protocols on smuggling and trafficking to the United Nations Convention against Transnational Organized Crime, opened for signature in

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[7] See also *Refugee Protection and Migration Control: Perspectives from UNHCR and IOM*, Global Consultations, (EC/GC/01/11), May 2001.

December 2000, are illustrative in this regard.[8] Clauses have been included specifically to safeguard the rights of asylum-seekers and refugees under the 1951 Convention, notably in relation to the principle of *non-refoulement*. The Protocol on smuggling also includes provisions to protect smuggled migrants against violence, taking into account the special needs of women and children, thus ensuring that it does not become an instrument to punish individuals simply because they have been smuggled or to penalize organizations assisting such people for purely humanitarian reasons.

13. For its part, UNHCR also faces considerable challenges. Over the last decade, States have asked the organization to take on a much wider range of responsibilities from providing humanitarian assistance in war zones to protecting certain groups of internally displaced persons and assisting returnees in countries of origin. Recently, however, funding has not been commensurate, which has led to the closure of some offices and the curtailing of a number of programmes and operations. The Office has also had to contend with an increasingly restrictive application of the 1951 Convention, including diverging interpretations of the Convention's provisions and a waning quality of asylum offered worldwide.

14. The result is that, in some situations, the Convention's provisions are more respected in their breach than their adherence. These breaches range from situations where individual refugees are refouled or returned to countries where they face persecution or where borders are closed to many refugees, to violence against refugees and failure to uphold their fundamental rights. Upholding the rights and obligations set out in the Convention is at the centre of all UNHCR's protection efforts, even while it seeks new ways to address contemporary protection problems. How these rights and obligations have been understood and implemented in practice is examined in the following paragraphs.

II. SECURITY AND THE CONVENTION

15. Refugees' rights to security and personal safety underpin the entirety of the provisions of the 1951 Convention.[9] This section of the Note examines the security threats to refugees during the reporting period, whether in situations of mass influx or in individual situations, including in particular asylum systems where refugees have been subject to *refoulement* or returned to places where they fear persecution.

A. The obligation of *non-refoulement*

16. The obligation of States not to expel, return or *refoule* refugees to territories where their life or freedom would be threatened is a cardinal protection principle enshrined in the Convention, to which no reservations are permitted. In many ways, the principle is the logical complement to the right to seek asylum recognized in the Universal Declaration of Human Rights. It has come to be considered a rule of customary international law binding on

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[8] Protocol against the Smuggling of Migrants by Land, Sea and Air; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

[9] See also 1948 Universal Declaration of Human Rights (UDHR), Article 3; 1966 International Covenant on Civil and Political Rights (ICCPR), Articles 6-9, which affirm everyone's right to life, liberty and security of person.

all States. In addition, international human rights law has established *non-refoulement* as a fundamental component of the absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment. The duty not to *refoule* is also recognized as applying to refugees irrespective of their formal recognition, thus obviously including asylum-seekers whose status has not yet been determined. It encompasses any measure attributable to a State which could have the effect of returning an asylum-seeker or refugee to the frontiers of territories where his or her life or freedom would be threatened, or where he or she would risk persecution. This includes rejection at the frontier, interception and indirect *refoulement*, whether of an individual seeking asylum or in situations of mass influx.[10]

17. States have consistently reaffirmed their commitment to the principle of *non-refoulement* in national statements by incorporating the principle into their domestic law, and in regional and international fora. Regional and national policies uphold the principle. Very many countries, including many which have seen significant increases in the arrivals of refugees and asylum-seekers and others with large, longstanding refugee populations continue to respect the principle. Over the past year, there has been, however, a disturbing increase in violations of the principle in some countries in particular.

18. Where the problem manifests itself in situations of mass influx, refugees and asylum-seekers were variously denied entry or forcibly returned shortly after admission in large numbers, with governments on several continents closing their borders to new influxes. As a result, large numbers of refugees massed at borders in precarious and increasingly unsustainable situations. The governments concerned pointed to a lack of resources to absorb another wave of refugees, threats to national security, and fears of domestic political destabilization, infiltration by armed groups or drug traffickers, and/or the arrival of even greater numbers of refugees. These can be very real concerns, but call for international solidarity, not *refoulement* which can never be lawfully justified.

19. Repeated representations were made to the governments concerned, mainly to little avail. Access to border regions where cases of *refoulement* have been reported can be particularly problematic. Positive developments in this area included the agreement with one State for joint UNHCR/government monitoring in an unsettled border area. Agreements with two States jointly to screen large groups of asylum-seekers as the alternative to summary deportation were also welcome.

20. In the case of individual arrivals, access to territory has continued to be problematic, often due to measures to contain illegal migration which affect illegal migrants and refugees without distinction. At airports, asylum-seekers have been refused access to asylum procedures, some stranded

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[10] 1951 Convention, Article 33. See also, 1969 American Convention on Human Rights, Article 22(8); 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 3, and standard-setting extradition treaties. ICCPR, Article 7, and 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3, have also been found to include a *non-refoulement* component. See also, Sir Elihu Lauterpacht and Daniel Bethlehem, *The Scope and Content of the Principle of Non-refoulement*, Opinion discussed at expert roundtable meeting under the second track of the Global Consultations, Cambridge, UK, July 2001.

for months in a situation of limbo, with documented incidents of eventual *refoulement* in some of these cases. In addition, some individuals, who have been returned as illegal migrants to countries through which they had travelled, have continued to encounter problems and possible *refoulement* from that third country, in situations where they have been denied the possibility of applying for asylum or have faced automatic deportation. Other countries have extradited foreigners without taking into account claims for asylum which had been lodged.

21. In such situations, UNHCR's access to the affected individuals has only been allowed spasmodically. Where it has been granted, the presence of a UNHCR official has often proved sufficient to ensure that asylum procedures were instituted, where necessary. UNHCR's resources are not sufficient, however, to allow presence in all such situations. One solution successfully pursued by the Office in several countries in various regions, was to negotiate access to border areas for NGOs working with refugees, where this was not previously permitted. At another level, the Office was very active in a number of countries in promoting amendments to border control legislation and regulations, and in encouraging formal readmission agreements with appropriate safeguards to prevent *refoulement*. The situation at the border has been ameliorated in a number of countries through targeted training of border officials and by enhancing reception facilities at the border, including the presence of interpreters.

22. Where refugees and asylum-seekers managed to reach a country of asylum, deportation and expulsion were a widespread problem. They were frequently caught up in arrest operations to deport foreigners without papers in many countries around the world. Prevalent over the period was the quasi-automatic tendency to define asylum-seekers and even refugees as first and foremost "illegal migrants", "economic migrants", "famine victims" or "guests", without establishing asylum needs. This was also sometimes the case where individuals had been registered as asylum-seekers with UNHCR. UNHCR offices in many countries did, however, also report some success in securing a form of recognized registration of asylum-seekers and refugees, whether on an ad hoc basis, through formal legislation or through having fostered greater political awareness of, and commitment to, international protection principles. In other cases, UNHCR's intervention secured the release and/or prevented the removal of those arrested and detained.

23. Given the persistence, and in some countries the growth, of these problems, UNHCR indicated at the 21st meeting of the Standing Committee its intention to highlight the *refoulement* problem more directly over the coming months and to strengthen dialogue with national authorities on specific violations, while generally endeavouring to raise public awareness to counter this disturbing trend.

B. Broader threats to refugees' physical security

24. Broader security problems encountered over the last year have continued to be particularly acute where large numbers of refugees are kept in camps. More generally, they have involved violence and intimidation by both the authorities and the local population.

25. As in previous years, security in camps remained an endemic problem, particularly in those which had become militarized, used as bases to rest and recuperate or to hide those who have committed atrocities. In such situations, camps have continued to become the target of cross-border or rebel attacks, endangering the security and lives of all the inhabitants and the surrounding population, causing renewed flight and raising tensions between the host State and country of origin, or even leading to a broadening of conflict.

26. Primary responsibility for separating, disarming and interning armed elements and taking other measures to neutralize them lies with the host State - a major challenge for host States, UNHCR, and ultimately the international community, including the United Nations Security Council, in view of the potential implications for international peace and security.[11] As an example of best State practice during the reporting period, the armed forces of one southern African country took concrete measures at the start of a mass influx to separate combatants, disarm them, and encamp them at a reasonable distance from the main refugee population. This example also led to the refining of UNHCR guidelines on the handling of militarized camps and contributed to better cooperation with other organizations concerned.

27. In addition to facing problems related to the presence of armed elements, refugees in camps have continued to be subjected to other forms of both open and covert violence, including domestic violence, sexual assault and rape. Measures put in place by UNHCR in camps in a number of countries have included the use of refugee watchmen and women to patrol camps, report incidents to the police and to assist the maintenance of law and order, as well as the installation of improved fencing and/or lighting in camps. Other measures to address problems of sexual assault and rape are outlined in greater detail in section V.A below.

28. Over the last year refugees and asylum-seekers in many countries throughout the world have continued to face general harassment and attacks by the local population, especially where they were of different ethnic origin or spoke a different language. They have also faced intimidation, extortion, verbal and physical harassment, and sometimes fatal attack by national authorities, including national security forces and immigration officials. Those displaced by fighting and endemic violence have been particularly at risk of rape and abduction for use as forced labour, and/or of forced recruitment into the military.

29. Measures taken to enhance basic physical security have included extensive training of police, armed forces or other security enforcement personnel. UNHCR has carried out rights and refugee law training for law enforcement personnel, sometimes jointly with government ministries, targeting situations where racist violence has been prevalent. Training to "sharpen-the-tools" in some regions has helped ensure that UNCHR's implementing partners and staff themselves have the requisite expertise and a repertoire of practical responses to meet emerging needs more rapidly.

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[11] See *The Civilian Character of Asylum: Separating Armed Elements from Refugees*, Global Consultations, (EC/GC/01/5), February 2001; *Guidelines on the Issue of Combatants and Former Combatants, with Particular Reference to the Situation in Angola, Democratic Republic of Congo and Namibia*, 20 December 2000.

30. UNHCR's physical presence has proved vital to enhancing the security of refugees in a number of situations. As a corollary, the security of humanitarian staff is also of particular concern and has been a growing problem in recent years. In the year ending July 2001, five UNHCR staff members were killed in Indonesia and in two African countries as they sought to deliver protection and assistance to refugees, bringing the total number of UNHCR staff killed in the course of their work to 20 since the beginning of the 1990s. This figure does not include other United Nations and humanitarian staff who have lost their lives.[12] Acknowledging the seriousness of the problem, the Security Council held its first ever session on staff security on 29 May 2001.

C. Providing protection in mass influx situations

31. Mass influx situations bring with them particular protection problems. These were considered earlier in the year in the Executive Committee framework on the basis of a detailed note presented within the context of UNHCR's Global Consultations on International Protection.[13] Over the reporting period the problems remained many and manifest. They included realizing basic protection in ongoing conflict situations, precarious location of camps, militarized camps and settlements, denial of access for UNHCR and other humanitarian workers to endangered groups and forcible relocation of populations in unsafe circumstances. Harassment by local officials along routes and in camps, sexual violence and exploitation of women and children in some settlements and withdrawal of *prima facie* status and accompanying protection with no alternative solutions provided for the affected populations were other difficulties to contend with. Unpredictability and ad hoc responses continued to mark the policy of some countries. Discriminatory responses ensuring protection to some groups but not to others, depending on factors such as ethnic origin of the persons concerned, also characterized approaches in some regions. Expulsions, *refoulement* and border closure, as mentioned earlier, were observed too often in situations of mass arrival. Inappropriate granting of temporary protection to groups of arrivals whose size could not, in UNHCR's view, be termed "mass", was yet another difficulty.

32. The conclusions of the Global Consultations meeting bearing on these and other related difficulties are being followed up by UNHCR. Clearly the 1951 Convention, in many of its provisions, is directly applicable as the protection framework for mass influxes. By the same token, a number of the problems, particularly in the area of physical security, call for specially tailored operational responses which UNHCR has been trying to craft alson with affected States. In addition, there is a need to examine how the framework of which these responses needs now to be further developed.

III. RESPECTING CIVIL AND POLITICAL RIGHTS

33. The rights and standards of treatment for refugees set out in the 1951 Convention include certain basic civil and political rights, which the Convention requires States to offer to refugees in the same manner as they

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[12] See Security Council resolution S/RES/1319 (2000).
[13] See *Protection of Refugees in Mass Influx Situations: Overall Protection Framework*, Global Consultations, (EC/GC/01/4), March 2001.

are accorded to nationals, to foreigners in the same circumstances, or to aliens generally. Overall, among States Parties these rights were generally accorded and properly respected. The following paragraph examines the challenges which nevertheless arose during the reporting period.

A. Documentation and certainty of status

34. The 1951 Convention recognizes that a refugee requires documentation or certification to properly access the rights to which he or she is entitled.[14] Possession of documentation by all refugees (not simply the head of household) is an important safeguard for their legal and physical protection. At the same time, the Convention provides for greater certainty of status by requiring the host State to recognize legal capacity, family rights, and matrimonial status under its national law.

35. In some countries, in different regions, refugees were either not given any identity documentation or received documents valid for limited purposes and not necessarily recognized by the police, security forces, or other arms of government. In these situations, the lack of proper documentation made refugees more vulnerable to denial of rations and other assistance, as well as to abuse including beatings, strip searches, extortion, sexual assault, arbitrary arrest and detention, and widespread intimidation, particularly at checkpoints. Refugees also encountered problems where documents issued by UNHCR or national eligibility committees were not recognized by national police. Even where relevant legislation and regulations requiring documentation were in existence, in some countries the issue of the papers needed to gain access to civic and social rights was notoriously slow.

36. UNHCR pursued a variety of approaches in the countries concerned to encourage the issue of documents and to supplement local capacity in this regard. These ranged from cooperative agreements with software providers to the issue by UNHCR of "protection letters" to asylum-seekers and refugees. Notable achievements over the period included in one major asylum country the substitution of the previous paper permits for refugees - inadequate to open a bank account, enter into a rental agreement or access other basic services - with bar-coded identity cards. This improved refugees' access to available services and helped address the problem of fraudulent registration.

37. The lack of registration of births and marriages remained a problem in a number of countries, *inter alia* contributing to statelessness (for instance for the children of unregistered refugees or asylum-seekers) or the denial of integration possibilities. UNHCR actively promoted the adoption of legislation granting those concerned the nationality of the country of asylum. Some success was achieved, although implementation problems have persisted. Inability to gain formal registration as a refugee has also resulted in the problem of marriages not being recognized by the authorities. UNHCR's negotiations with central registry offices secured the removal of administrative hurdles to legal marriage in several instances during the reporting period

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[14] 1951 Convention, Articles 25, 27, 28; see also *Practical Aspects of Physical and Legal Protection with Regard to Registration*, Global Consultations (EC/GC/01/6), March 2001.

B. Non-discrimination

38. The principle of non-discrimination as set out in the 1951 convention is an important protection to which no reservations can be made. Discrimination by States or others against refugees on the basis of their race, religion or country of origin is precluded by this principle.[15] It sets a standard of equality that is necessary for the peaceful co-existence of different refugee groups, including from an age and gender-sensitive perspective, thus paving the way for refugees' greater acceptance in host communities.

39. Racism and xenophobia are often at the root of discrimination against refugees and asylum-seekers at all stages of the displacement cycle. In addition to being among the factors prompting flight, racist and xenophobic practices and attitudes can affect access to and the quality of asylum. At the stage of solutions, racism and xenophobia can hinder integration into the host society or that of resettlement and make return less viable, especially if this takes place in conditions where peace is only fragile and racial or ethnic tensions remain high. The particular vulnerability of refugees and asylum-seekers to racist and xenophobic treatment and attitudes has been a theme for the 2001 UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

40. During the reporting period, certain groups of refugees in both large-scale influx situations and individualized asylum systems were singled out and stigmatized on account of their ethnicity, beliefs or nationality. A number of States in various regions effectively discriminated against asylum-seekers when they denied them access to asylum procedures on the basis of their country of origin, because they came via certain countries or were from a particular minority. In some of these cases, UNHCR was able to resettle some members of minority groups on an emergency basis. This option does not, of course, resolve the deeper problem.

41. Even once admission to a host country has been secured, refugees and asylum-seekers have often faced discrimination, both by certain authorities and/or the local population. During the reporting period, the authorities in many States have subjected refugees and asylum-seekers to arbitrary arrest, beatings, extortion, harassment and deportation on the basis of their physical appearance, skin colour, nationality or ethnic origin. In other situations, the authorities have discriminated against them in the issue of work permits. They have denied them medical assistance, or provided it at an inferior level, or charged a higher price than for nationals. In some countries, discrimination from both the authorities and individuals has followed on from the misplaced perception that refugees "bring AIDS". Particular hostility towards refugees and asylum-seekers has been recorded where skin colour or other features made their different origin from the local population or their minority status evident. This was also the case where they were perceived as taking jobs from local residents or as being "scroungers" and "parasites". In a wide range of countries, asylum-seekers and refugees have been the victims of localized racist and sectarian attacks, or even murder.

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[15] 1951 Convention, Article 3; UDHR, Article 2; ICCPR, Article 26.

42. Political will and resolute leadership are needed to de-dramatize and de-politicize the essentially humanitarian challenge of protecting refugees and to promote better public understanding of refugees and their right to seek asylum. Over the last year, human rights institutions, both governmental and non-governmental, international and national, have contributed in a significant way by exposing abuses at the root of the problem and joining public information and educational efforts. Effective justice also sends out an important signal to the public. A number of countries have launched imaginative campaigns in cooperation with UNHCR to promote awareness and tolerance to "roll back xenophobia", while a number of regional organizations have ongoing integration programmes aimed at promoting tolerance towards foreigners, including refugees. NGOs and civil society have played a vital role in raising awareness, lobbying, highlighting abuses, providing training and advice.

43. To mark the organization's 50th anniversary in 2000, UNHCR chose as its theme "respect" for the dignity of refugees as human beings, for their abilities, their potential and for the contributions they make to their host communities. The message has been that, beyond tolerance, there has to be respect based on an appreciation of each individual's dignity and value. For the first time, "World Refugee Day" was celebrated on 20 June 2001. Building upon "African Refugee Day", which has been held on that date for a number of years, commemorations and celebrations were held in many countries throughout the world to raise awareness of refugee issues and promote tolerance and respect through debates, radio and television interviews, art exhibitions, concerts, and even football matches.

C. Freedom of movement

44. Under the 1951 Convention, refugees lawfully in a country should in principle be free to choose where they live and to move freely within their country of asylum.[16] Although the Convention allows restrictions to this provision, it limits them to regulations applicable to aliens in general. On this basis, restrictions on the right to move freely in the territory, such as into or out of certain areas or camps, should only be imposed when this is clearly in the interests of refugee security or overall national security.

45. In many refugee situations, freedom of movement does not pose particular problems for recognized refugees. Governments in most countries have continued to provide for or to tolerate freedom of movement in urban situations and to allow refugees to choose their place of residence, even though refugees have been required to report to the authorities on a regular basis in some countries. For refugees living in camps, however, the situation is often more constrained. In some countries in different regions, refugees could only rarely leave their camp, or only do so with special permission. In others, where the former residence permit system remains in force or is not fully abolished, refugees encountered considerable problems legitimizing their position. In one such country, a decree implemented during the reporting period was specifically targeted at restricting the freedom of movement and place of residence of recognized refugees. The grant of temporary protection or some form of complementary protection, has carried

[16] 1951 Convention, Articles 26 and 31. See also, UDHR, Article 13; ICCPR, Article 12.

with it restrictions on freedom of movement in some countries. UNHCR-recognized mandate refugees were similarly penalized in some situations which had serious consequences for the individuals concerned, considerably curtailing their opportunities for self-sufficiency.

46. Detention has remained one of the more problematic issues for UNHCR to deal with. It is clearly a serious restriction on a refugee's freedom of movement. Over the last year, the arbitrary detention of refugees continued to be a problem in some countries. The widespread detention of asylum-seekers in several countries in the Americas, Europe and Asia caused still more complications. In some instances, all illegal entrants continued to be detained on a mandatory basis. States have cited national security and public order as justifications of detention, and emphasized the need to prevent absconding, to determine identity and/or nationality, and to deter other potential asylum-seekers. The Executive Committee has pronounced itself authoritatively on this issue and has recognized that the detention of asylum seekers, who may well be refugees, should in principle be avoided.[17]

47. Best State practice does not use detention as a deterrent, or resorts to it exceptionally on a basis prescribed in national law and in conformity with general norms and principles of international human rights law. Where States do detain asylum-seekers, UNHCR has advocated alternatives, such as their release into the custody of local institutions or other open accommodation in cooperation with welfare agencies, with free movement during the day, perhaps with reporting requirements if deemed necessary. In many countries where refugees and/or asylum-seekers have been detained, UNHCR has worked over the last year to ensure access and/or ensure they have legal representation to gain bail or release where possible. A particular focus of UNHCR's work over the last year has been to seek to prevent asylum-seekers being held in prisons with convicted criminals, to avoid separation of families and the detention of minors (see also section V.B below), and to address reports of verbal, physical or sexual abuse.

48. The 1951 Convention clearly prohibits the imposition of penalties on refugees present in or entering a country of asylum illegally, provided they come directly from a territory where their life or freedom have been threatened, present themselves without delay to the authorities, and show good cause for their illegal entry or presence.[18] Over the reporting period, in countries which have continued to detain or otherwise penalize refugees and asylum-seekers, UNHCR has worked to ameliorate the regime and conditions of detention and promote their early release. The courts in several countries made positive contributions to this end by affirming the obligation not to penalize asylum-seekers for illegal entry.

D. Freedom of association and religion

49. The freedom of association provisions of the Convention allow refugees to form or join non-political, non-profit-making associations and trade unions on the same basis as non-nationals. This contributes to a strengthening of self-reliance and self-esteem.

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[17] See EXCOM Conclusions 44 (XXXVII) 1986; 85 (XLIX) 1998, paras (cc, dd, ee).
[18] 1951 Convention, Article 31.

50. In many countries, this right is well respected, except where activities have become politicized, in which case their possible curtailment is foreseen under the Convention.[19] As in previous years, UNHCR and its implementing partners have been instrumental in assisting refugees to establish associations which may enable them to take charge of their own affairs. The process of consultation, participation and election has been an important means of empowering refugees - both women and men of all ages - not only soon after their flight where they have tended to be seen as vulnerable, but also later as they have worked towards re-establishing a normal life.

51. Refugees' freedom to practice their religion and to ensure the religious education of their children is one of the rights under the 1951 Convention to which no reservations are permitted.[20] As such, it has particular prominence, which recognizes not least that the violation of religious freedoms may have been an important reason for their flight. Refugees are thus to be accorded treatment at least as favourable as that accorded to nationals.

52. Respect for this right has not generally been a significant problem in many countries, even though some refugees of different faiths have faced discrimination and hostility from the host population. This tends to be exacerbated when freedom of belief is restricted for the population in general. An NGO in one African country, setting a fine example, made a marked contribution to better asylum conditions by upgrading religious schools so that they could also fulfil children's basic educational requirements; enrolment in these schools increased fivefold in the six months to December 2000. Religious intolerance in asylum countries was one basis, over the period, for strengthened resettlement efforts by UNHCR for some refugee groups.

E. Access to courts

53. There is an obligation on refugees imposed by the Convention to respect law and order in the country of asylum. This is mirrored by their right of access to courts on the same basis as nationals. Such access is an essential element of the inclusion of refugees in a functioning system of freedom and justice and is a provision of the Convention to which no reservations are permitted. It encompasses many aspects including access to legal representation, interpretation and translation facilities, costs and fees, as well as broader concepts of due process and fair trial. Although the Convention does not expressly mention the latter, they are inherent to the right of access to courts and exist under general human rights standards.[21]

54. Access to courts varies widely from country to country, depending on various factors including practical constraints, such as ongoing hostilities, which affect the general population and refugees alike. While many States have recognized that refugees and asylum-seekers need such services if they are to pursue their asylum claim, some lack the resources to provide them. In a number of other countries in various regions, refugees and asylum-seekers have been unable to gain access to legal advice or were not told of their rights, particularly when in detention. One interesting initiative during the

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[19] 1951 Convention, Article 15; see also 1948 UDHR, Article 20; ICCPR, Article 22.
[20] 1951 Convention, Article 4.
[21] 1951 Convention, Article 16; UDHR, Article 10; ICCPR, Article 14.

reporting period was the establishment by a group of States of a joint pool of interpreters.

55. Another initiative with considerable potential in camp situations was the establishment of mobile courts to promote greater security for refugees, in particular for victims of sexual and gender-based violence. Although the mobile court has faced certain endemic social and cultural problems, it has nevertheless marked an important step towards bringing the administration of justice closer to refugee and local communities.

56. As part of its own activities in this field, UNHCR has worked alongside international and local NGOs working on women's rights to raise awareness particularly of gender violence problems and to empower women to take their own initiatives in this regard. Other efforts by UNHCR have focused on training civil society institutions, including NGOs, immigration services and the judiciary, to build their legal capacity and awareness, as well as cooperation with NGOs to assist them in providing legal advice clinics. In addition, the organization has fostered links with universities in a number of countries, particularly those with emerging asylum regimes, to enable professors and/or final year students to be trained to advise and represent asylum-seekers. Such initiatives have been especially important in countries currently building up independent judicial systems and strengthening civil society institutions which hitherto had only a limited role to play.

IV. RESPECTING ECONOMIC, SOCIAL AND CULTURAL RIGHTS

57. The range of economic, social and cultural rights contained in Articles 17-24 of the 1951 Convention are essential to establishing refugees' self-sufficiency and allowing them to contribute to, rather than depend upon, the country of asylum. These provisions are also those to which a number of States parties have made reservations, often for resource-related reasons. They have been approached by these States as recommendations rather than obligations. For asylum-seekers, it is particularly these rights which States tend to curtail, in an effort to balance principles of fair treatment against budgetary constraints and a desire not to create a "pull factor" for those seeking to abuse the system.

A. Access to the labour market and social security

58. With regard to the right to engage in wage-earning employment, the 1951 Convention offers refugees lawfully staying in their territory the most favourable treatment accorded to foreign nationals in the same circumstances. Refugees who have a special tie to the receiving country - if they have lived there for three years, are married to a national or have a child who is a national - are exempt from any restrictive measures which might otherwise be imposed on aliens to protect the national labour market. For refugees seeking to work on a self-employed basis or in the liberal professions, the 1951 Convention specifies that treatment should be as favourable as possible and, in any event, not less favourable than that accorded to aliens generally.[22] As regards social security, the 1951 Convention provides that States shall grant

[22] 1951 Convention, Articles 17-19, as well as Articles 7 and 24. See also 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), Articles 2 and 6; 1996 European Social Charter.

refugees lawfully staying in their territory the same treatment as that accorded to nationals with respect to both the basic labour rights of legally employed workers and State benefits such as unemployment, old-age or disability benefits covered by social security systems.[23] Many States have made reservations to provisions relating to employment and social security thus limiting the legal scope of these provisions.

59. Where it poses no problem legally, access by refugees to the labour market and to social security benefits might in practice be constrained quite considerably in some countries by factors that include the prevailing economic situation and by development-related difficulties facing that country. UNHCR has been particularly concerned about barriers to accessing the prescribed rights erected or operating in countries not confronted by such difficulties. As in previous years, bureaucracy, an unfavourable market, racial and gender-related barriers, and xenophobia in various countries in different regions have combined effectively to prohibit finding employment. Open preference accorded to nationals, restrictions on the number of foreign workers that can be employed, language difficulties, and non-recognition of qualifications have all been manifest to varying degrees over the period. When work was formally allowed there have been practical administrative hurdles to overcome, such as employment being made dependent on a registered address which was not accessible. Delays associated with the process of issuing the work permits were another common problem, which in one country, was successfully resolved during the reporting period by making issue of work permits simultaneous with the grant of refugee status. Measures taken in many countries to combat illegal immigration, for instance the fining of employers for engaging illegal immigrants, have in practice impacted on legally resident refugees just as negatively.

60. Over the past year, an important focus of UNHCR's protection efforts has been on facilitating the exercise of the right to work, particularly in countries with limited resources. Activities have included (i) language and vocational training, especially for minorities or disadvantaged groups such as women who are single heads of households; (ii) promotion of the recognition of qualifications held by refugees; (iii) encouragement of small-scale income generating projects; and (iv) advice and financial assistance for those seeking to work on a self-employed basis.

B. Welfare, health and food

61. The Convention provides that refugees lawfully staying on the territory are entitled to benefit from national social assistance and welfare schemes on the same basis as nationals, without requiring that they meet particular conditions of local residence or affiliation which may be requested of nationals.[24] This is all the more important since the Convention permits certain restrictions on refugees' gainful employment. Relief and assistance to those in need due to illness, age, physical or mental impairment, as well as medical care, are all envisaged under this Convention requirement.

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[23] 1951 Convention, Article 24; see also *Integration Rights and Practices with Regard to Recognised Refugees in the Central European Countries*, (UNHCR), *European Series*, vol. 5, no. 1, July 2000, pp. 240-5.
[24] 1951 Convention, Article 23.

62. In many countries, national social assistance and welfare programmes are clearly limited or absent. In such situations, relief assistance provided by UNHCR, other international organizations and NGOs has had to substitute for limited State capacity. For countries in transition, where social assistance and healthcare systems are undergoing major restructuring and/or suffer from a severe lack of funding, UNHCR has worked to ensure such State assistance and healthcare are adequately supplemented. In countries with developed asylum regimes, refugees usually have access to social welfare assistance. Asylum-seekers are also given basic social welfare assistance, in the areas of shelter, food and healthcare, so that they are able to subsist while they pursue their claim.[25] UNHCR's main concern has arisen where policies are implemented which, in effect, employ restrictions on welfare benefits as a deterrence to further arrivals and where such policies seriously impact on the subsistence capacity of refugees.

63. HIV/AIDS remained a health risk for refugee populations during the reporting period. At a Special Session on HIV/AIDS in June 2001, the General Assembly recognized that populations destabilized by armed conflict, humanitarian emergencies and natural disasters, in particular, women and children, are at increased risk of exposure to HIV infection.[26] Refugee situations are conducive to forced high-risk sexual behaviour, sexual abuse and rape. The disadvantaged socio-economic status of women and girls and their increased exposure to violence means that refugees have found themselves coerced into sex to gain access to basic needs such as food, shelter, security or even to be able to cross a border. At the Special Session, the international community undertook to implement HIV/AIDS awareness, prevention, care, and treatment in actions and programmes responding to emergency situations. For its part, UNHCR has focused efforts to address the exponential growth of the problem on strengthening reproductive health education and services, especially among young refugees in southern Africa, and on pooling these efforts with those of refugee-hosting governments.

C. Education

64. The 1951 Convention recognizes the importance attached to education for all children by providing that refugees have the right to the same treatment as nationals with respect to elementary public education. For other forms of education, it provides for treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally. The Convention stipulates no requirement for lawful residence in this case.

65. In general, access for refugee children to primary education is respected, although in practice the conditions of displacement together with resource constraints have continued to hinder its realization. As a positive development over the past year, a greater number of countries began to provide access to education for refugees and asylum-seekers - in some instances on a fee-paying basis, as for the local population. One Central Asian country which is not party to the Convention also granted all refugee

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[25] See *Reception of Asylum-Seekers, including Standards of Treatment, in the Context of Individual Asylum Systems*, Global Consultations, (EC/GC/01/17), September 2001.
[26] General Assembly Special Session on HIV/AIDS, Declaration of Commitment on HIV/AIDS *Global Crisis - Global Action*, June 2001, paras 75-6.

children registered with UNHCR free access to state-run schools where they lived.

66. Education in camps remains fraught with difficulties. From lack of safe conditions for schooling through practical and cultural barriers, to cuts in UNHCR's funding, impediments to education have affected all age levels. Successful educational projects have included those with a focus on imparting important survival skills such as mine awareness, while also offering literacy and providing psychosocial support and stability.

67. Efforts in some countries in various regions have targeted girl children and their right to education on an equal basis with boys. Educational opportunities for refugee children with disabilities, and programmes to address the particular educational needs of refugee children from ethnic minorities have also been crafted by UNHCR and NGO partners. In other countries, initiatives have focused on adult literacy classes, access to secondary and further education for refugees, and facilitating the recognition of qualifications and access to scholarships. In recognition of the important contribution that education makes not only to a person's quality of life, but also to assisting integration, rehabilitation and reconciliation as well as to the building of peace, UNHCR founded the Refugee Education Trust in December 2000. It aims to promote post-primary education by supporting secondary schools and institutions attended by refugees and by awarding scholarships to refugees in higher education.

V. PROTECTING THE PARTICULARLY VULNERABLE

68. The Convention does not specifically refer to any particular groups of people who may face special problems when forcibly displaced. Yet there are persons whose protection needs might require a tailored response with additional safeguards. Among them are women who are single heads of households, survivors of sexual and gender-based violence, women who contravene the social mores of their societies and face persecution as a result, pregnant women, unaccompanied children, adolescents, torture survivors, the disabled, and the elderly.

69. When refugees first arrive, the independent registration of all refugees is especially important for vulnerable groups to ensure their access to protection and assistance, and later to durable solutions. Registration of marriages and of children born to refugees in camps and their recognition by host States and by countries of origin or resettlement at the stage of solutions is particularly important to avoid problems of statelessness.[27] Acknowledging the importance of integrating gender concerns at the onset of an emergency situation, UNHCR included gender advisers as part of emergency response teams which led to services and facilities being located at safer sites, responsive to the needs and priorities of women as well as men. UNHCR has gender networks in several regions which allow for more specific programmes for women's needs. A Gender and Children's Team set up over the

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[27] See *Practical Aspects of Physical and Legal Protection with regard to Registration*, Global Consultations (EC/GC/01/6), March 2001, paras 2, 7. See also *UNHCR's Activities in the Field of Statelessness: Progress Report* (EC/51/SC/CRP.13), paras 14-21.

reporting period in one asylum country led to specific safeguards to combat domestic abuse or situations leading to forced prostitution.[28]

A. Women at risk

70. Women and girls, who are victims of trafficking and have been stranded en route, have given rise to acute protection needs, requiring UNHCR to ensure safe accommodation, protect both witnesses and victims of trafficking, and to negotiate the issue of documentation to provide for safe return.[29]

71. During the reporting period, rape, domestic violence, and other sexual and gender-based attacks have continued to be a major problem in refugee camps. In recent years, UNHCR has devoted increased attention to devising new operational responses. A recent evaluation concluded that the provision of firewood and other measures can help in specific locations, the broader context of rape, violence and insecurity of women and girls still needs to be addressed. It recommended a particular focus on improving security within and around camps and strengthening measures to bring perpetrators to justice.[30] UNHCR strengthened its activities over the period in police training, counselling of victims and provision of local legal support to take cases to court.

72. A major interagency conference on sexual and gender-based violence was held in Geneva in March 2001. Delegates reviewed progress, assessed the impact of policies on refugee and internally displaced persons, and identified lessons learned and future policies. It was agreed to update UNHCR's guidelines on the issue.[31] A short, practical "step-by-step guide" for UNHCR protection officers was issued shortly after the conference.

73. At another level, UNHCR has worked to sensitize governments to the importance of female asylum-seekers being given the opportunity to submit a separate asylum claim from that of the male head of household, and of using female interviewers and interpreters when interviewing female asylum-seekers. Many countries have now made provision for these needs, though a lack of resources, including in countries with emerging asylum systems, has presented implementation problems. During the reporting period, asylum gender guidelines were issued by one European State, adding to existing guidelines on this issue in several other jurisdictions. As another example of best practice, awareness of special needs was built into programmes being implemented in one Central Asian country through the allocation of funds to the most vulnerable, including households headed by single women and families with disabled or seriously ill members.

B. Children

74. Children are among the most vulnerable groups when families and communities are forced to flee persecution and violence. Children under the

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[28] See UNHCR's *Practical Guide to Empowerment: UNHCR Good Practices on Gender Equality Mainstreaming*, June 2001. See also *Refugee Women and Mainstreaming: A Gender Equality Perspective* (EC/51/SC/CRP.17).

[29] *UNHCR's Activities in the Field of Statelessness: Progress Report* (EC/51/SC/CRP.13, para. 18).

[30] *Evaluation of the Dadaab Firewood Project, Kenya*, (EPAU/2001/08), June 2001.

[31] *Sexual Violence Against Refugees: Guidelines on Prevention and Response*, 1995.

age of 18 account for 45 per cent of refugees worldwide and over 60 per cent in several African countries. Although the international community's focus on children's rights is relatively recent, the 1989 Convention on the Rights of the Child now has near universal ratification. It contains several provisions specifically dealing with refugee children who, as children, are also beneficiaries of its provisions irrespective of their status. In particular, States Parties have recognized that children must be among the first to receive protection and assistance and that the guiding principle of all action on behalf of refugee children must be the best interests of the child and the principle of family unity.[32] As such, this Convention is an important instrument for the protection of refugee children, especially in States not party to the 1951 Convention or 1967 Protocol.

75. Displacement can be especially disruptive for children, who lose the security of their community and are at risk of malnutrition, disease, separation from their family, violence, sexual assault and exploitation, abduction or forced recruitment into the military. Over the last year military recruitment has remained a serious problem in a number of countries, particularly in Africa and South Asia. The Security Council has acknowledged the linkages between illicit trafficking in small arms and light weapons and armed conflict, recognizing that such trafficking can prolong conflict and intensify its impact on children, including those in refugee communities.[33] Attention to these issues has also been given in several important international events.[34] UNHCR and its implementing partners have been involved in projects in several war-torn countries to rehabilitate former child soldiers, providing a secure environment, psychosocial counselling and a basic education to equip them better for normal life.

76. Adolescent refugees are an often overlooked sub-group within this category of vulnerable refugees. They are a targeted group for forced military recruitment. They can be difficult to place in foster families, which is a problem both in camps and if they are seeking asylum. Access to post-primary education, vocational training and income-generating opportunities have been actively promoted by UNHCR as key means to support their rights and redress protection difficulties by encouraging greater self-sufficiency.

77. The detention of child asylum-seekers and/or their families has been a particular concern of UNHCR in the context of improving reception arrangements for refugees. In a number of countries, separated children and adolescents have found themselves vulnerable to verbal, physical and sexual abuse both in detention centres and in prisons where adolescents have been held with convicted criminals. UNHCR has promoted alternative safe accommodation consistent with its understanding that detention of minors should only be used as a measure of last resort, for the shortest possible duration, and on a basis clearly defined in national legislation which

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[32] See CRC, Article 22. See also the CRC's two Optional Protocols opened for signature in May 2000 and EXCOM Conclusions Nos. 24 (XXXII), 1981; 47 (XXXVIII), 1987, paras (c, d); 84 (XLVIII), 1997, para. (a); 24(XXXII), 1981; 85 (XLIX), 1998, para. (w); 88 (L), 1999, para. (b).

[33] Security Council resolution 1314 (2000) on children and armed conflict.

[34] International conference on war-affected children, Winnipeg (Canada), September 2000; EU seminar on the special needs of children affected by armed conflict and forced displacement Nörrkoping (Sweden), March 2001; UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, New York, July 2001.

conforms with general norms and principles of international human rights law.[35]

78. Recognizing the importance of family unity, States generally treat accompanying minors in families as refugees when either parent is recognized as such. When it comes to reuniting family members, however, problems have arisen as a result of the significant differences between the customarily broad definition of the family as applied in many countries of origin and the narrower "nuclear family" applied by other countries of asylum. In a positive development the broader definition of family, to include for example the dependent parents of each spouse, was actually implemented in law. Of concern was the continuing disinclination of some States to facilitate family reunification, as well as problems in some jurisdictions where the possibility of family reunification is linked only to refugee status and not to complementary statuses. The provision of the required documentation and proof of parentage or marriage continued to present difficulties for refugees in some countries, while the administrative procedures in other countries remained unduly long.

C. Children separated from their parents or caregivers

79. The protection needs of child refugees and child asylum-seekers who have been separated from both their parents or from their previous caregiver was a subject of particular attention over the reporting period. In October 2000, UNHCR and the Save the Children Alliance published a joint "Statement of Good Practice" as part of their separated children in Europe programme. Both organizations are now working with the United Nations Children's Fund (UNICEF), the International Committee of the Red Cross (ICRC) and other agencies to agree a set of guiding principles, interagency standards and policies on unaccompanied and separated children by the end of 2001.[36]

80. The starting point is the "best interests" principle which is understood to require that separated children should not be refused entry or returned at the point of entry, and that a guardian or adviser should be appointed as soon as a separated child is identified. Among the approaches to be commended was the agreement in one country to exempt separated child asylum-seekers from admissibility and accelerated procedures and permit those granted refugee status to be joined by their parents. Another involved the establishment of a system whereby students at legal clinics were permitted to serve as guardians for child and adolescent asylum-seekers. In many countries, UNHCR and its partners have set in train tracing and family reunification programmes for separated refugee children. Where tracing has not been successful, local integration options have been pursued.

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[35] *Guidelines on Detention of Asylum Seekers*, 1996; *Detention of Asylum-seekers and Refugees: The Framework, the Problem and Recommended Practice*, Global Consultations (EC/49/SC/CRP.13), June 1999.

[36] See also *Refugee Children: Guidelines on Protection and Care*, 1994; *Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum*, February 1997; *Separated Children Seeking Asylum in Canada*, UNHCR Branch Office, Ottawa, July 2001.

VI. RESPONSIBILITIES OF REFUGEES

81. The 1951 Convention specifies that refugees have obligations or duties towards the host country. This reflects the necessity that refugees are not seen, and do not see themselves as a category outside or beyond the law. While they are a special category of non-nationals, they are bound by the laws of their host country in the same way as others present on the territory. If they transgress the law or infringe public order in their country of asylum, they are fully liable under the relevant domestic laws, even while retaining their refugee status. The duties are set out in more detail in the 1969 OAU Refugee Convention, which states amongst other things that every refugee must abstain from any subversive activities against OAU member States.[37]

82. UNHCR works with States to inform refugees and asylum-seekers about their obligations. Activity in this regard over the reporting period has centred on rights and responsibility-awareness training, individualized counselling, complemented by broader information campaigns, among both refugees and asylum-seekers. Government and UNHCR staff have been called upon to address refugees jointly in camp situations, cautioning the latter in particular against engaging in subversive or mercenary activities. There have also been joint programmes in some countries to encourage more forthcoming cooperation on the part of asylum-seekers when they enter asylum procedures.[38]

VII. IDENTIFYING REFUGEES

A. Understanding the refugee definition

83. At the time of the League of Nations, the notion of persecution did not figure as such in international instruments concerning refugees. Rather, the term refugee was applied to specific groups of individuals who were outside their home countries for a variety of reasons and did not enjoy the protection of another State. The term "persecution" figured in a refugee instrument for the first time in the 1946 Constitution of the International Refugee Organization. This Constitution again identified specific categories of individuals as refugees, but at the same time included a more general definition which linked the notion of "refugee" to a refusal to return to the home country for reasons including fear of persecution. The definition of a refugee set out in Article 1 of the 1951 Convention, as complemented by the 1967 Protocol, consolidates these ad hoc definitions into one that is universally applicable.

84. Over the years, each of the elements of the 1951 Convention refugee definition has undergone detailed policy and legal scrutiny, as States try to work within its parameters. UNHCR's *Handbook on Procedures and Criteria for Determining Refugee Status* has been a source of guidance in this regard. The *Handbook* makes clear, however, that while the definition has constituent

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[37] 1951 Convention, Article 2; OAU Refugee Convention, Article III. See also, *Handbook on Procedures and Criteria for Determining Refugee Status*, 1979, re-edited 1992, para. 205.

[38] *Asylum Processes (Fair and Efficient Asylum Procedures)*, Global Consultations, (EC/GC/01/12, paras 34-37), June 2001.

elements, it nevertheless requires a balanced and holistic approach to its application, informed by related bodies of law, including appropriate human rights law principles.[39] Key definitional issues are being examined within the framework of the Global Consultations, with a view to promoting a more consistent interpretation of the 1951 Convention. Ultimately, it is intended that the results of these round tables will be distilled into a set of guidelines to complement the *Handbook*.

85. A certain tendency over recent years to restrict the application of the 1951 Convention refugee definition within narrow confines has continued in a number of countries around the world, although there have been positive signs in certain jurisdictions. Among the definitional issues receiving heightened attention over the past year were questions of gender-related persecution, the internal flight or relocation alternative concept, the scope of application of the exclusion clauses and relevance of the definition to non-state agent persecution. With regard to gender-related persecution, there was a noticeable shift in a number of countries in different regions in favour of legislation to recognise this as a ground for refugee status. In other countries, the same understanding is underpinned by national jurisprudence. Some States nevertheless continue to respond to these protection needs by granting a complementary status.[40] On the issue of non-state agents of persecution, in the few countries who maintain that the Convention does not cover it, there were some positive and welcome indications that this could be or was indeed changing.

B. Establishing and enhancing asylum processes

86. Although no formal provision is made in the Convention for the procedures which are to be put in place to implement it, it is broadly accepted by States that particular refugee status determination procedures are essential to its full and effective implementation. This is because they enable a State to identify those who are in need of international protection under the Convention and those who have no entitlement or are not deserving.[41]

87. In a positive development over the reporting period, many governments in different regions of the world brought into force or updated legislation guaranteeing access to asylum procedures and proper standards of treatment during the determination period. This generally took place after consultation with UNHCR and often with its direct assistance. Practical problems of implementation persisted in some countries leading to the establishment of eligibility commissions or refugee affairs committees, coupled with strengthened capacity-building efforts by UNHCR and partner bodies, training in refugee status determination, and various other forms of assistance to foster consistency of decision-making in existing systems.[42]

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[39] *Handbook on Procedures and Criteria for Determining Refugee Status;* See also an examination of these issues in *Interpreting Article 1 of the 1951 Convention Relating to the Status of Refugees*, Department of International Protection, May 2001.

[40] See *Complementary Forms of Protection*, Global Consultations, (EC/GC/01/18), September 2001.

[41] See *Asylum Processes (Fair and Efficient Asylum Procedures)*, Global Consultations, (EC/GC/01/12), June 2001.

[42] See *Strengthening Protection Capacities in Host Countries*, Global Consultations, (EC/GC/01/19), September 2001.

88. Where refugee status determination procedures are in place, special efforts over the last year have been directed at reducing status determination backlogs. Depending on the situation, UNHCR has assisted in recruiting and training additional staff, in arranging extraordinary sessions of decision-making bodies to speed up the appeals process, and in the actual undertaking of decisions on pending cases. A practice in some States that deserves replication elsewhere concerns the application of accelerated procedure to manifestly well-founded cases. The establishment of fast track procedures for more vulnerable asylum-seekers was another useful precedent in this period.

89. UNHCR concentrated on improving the protection skills of its own staff, including in the area of mandate status determination, through two new pilot protection learning programmes launched over the last year. Better management of national status determination procedures *inter alia* to minimize possibilities of fraud or corruption received particular attention in several countries. Measures introduced included steps to de-personalize decision-making, rotate responsibility to reinforce mutual supervision, establish a complaints and redress mechanism, and hold further refugee status determination workshops to ensure uniformity.

90. In a number of countries with established asylum regimes, there were important moves to harmonize legislation and practice to establish common definitions and standards. These have been most evident in western Europe. Within the European Union (EU), agreement was reached on issues such as temporary protection and carriers' liability, with draft directives under discussion on a wide range of other issues. These EU standards are also being widely integrated into the legislation of States seeking EU membership. In Latin America, member States of the *Mercado común del sur* (Mercosur), together with Bolivia and Chile adopted the Rio de Janeiro Declaration on the harmonization of asylum policies and legal frameworks in November 2000. A model refugee law text is also being promoted by UNHCR in these countries. A Spanish-language legal database website has been established and is coordinated by UNHCR's office in Costa Rica, to serve as a key tool for more harmonized refugee law promotion in Hispanic countries.

VIII. BROADENING THE REACH OF THE CONVENTION

91. The foregoing paragraphs provide information on the level of respect of the provisions of the 1951 Convention by States Parties and measures taken over the last year to strengthen or encourage its better implementation. Concurrently UNHCR has worked to broaden the reach of the regime by promoting new accessions to the Convention and 1967 Protocol, as well as to the two Statelessness Conventions, for which the Office also has responsibilities.

92. There are 141 States, in all regions of the world, which have become parties to the 1951 Convention and/or 1967 Protocol. In the year to August 2001, both Trinidad and Tobago, the Federal Republic of Yugoslavia and Belarus became parties to the Convention and Protocol.[43] Some other countries are in the process of, or have completed parliamentary approval of,

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[43] The Federal Republic of Yugoslavia succeeded in March 2001 to some 200 treaties including both refugee instruments as the successor State to the former Socialist Federal Republic of Yugoslavia.

ratification. Since the launching of the accessions campaign in October 1998 seven States have acceded or succeeded to the 1951 Convention and six States to the Protocol. Accession is in fact the first step to a full and more effective international refugee protection regime. It can facilitate the mobilisation of international support for host countries and it contributes to the coherent and more balanced and consistent global application of protection standards. In these senses, the instruments are fundamental to more equal burden- and responsibility-sharing. Some States, however, continue to maintain reservations about acceding to these instruments, arguing that they already uphold protection principles and that accession is therefore unnecessary. Others have expressed concern about possible additional burdens which would result.

93. While the rate of actual accessions was disappointing, efforts to encourage new States to join continued throughout the reporting period. They included training seminars for government officials and national NGOs, focusing on refugee law and refugee status determination. Promotional activities and workshops have also been held jointly with human rights institutes and national human rights commissions. UNHCR hosted governmental delegations and parliamentary groups from States considering or planning to accede to the Convention and Protocol at its headquarters, reviewing with them legislation that might incorporate Convention provisions and standards into domestic law. UNHCR also worked closely with the Inter Parliamentary Union to develop a handbook on the Convention and refugee protection for parliamentarians. Various bilateral and multilateral representations also continued throughout the reporting period.

94. It is hoped that the Ministerial Meeting to be held in December 2001 as part of the Global Consultations on International Protection will provide an opportunity for more States to announce the commencement or completion of ratification procedures, or the removal of reservations to the Convention and/or Protocol.

95. In a related endeavour, UNHCR has actively promoted accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[44] During the reporting period, the Federal Republic of Yugoslavia succeeded to the 1954 Convention and Guatemala ratified both the 1954 and 1961 Conventions. Since 1998, ten States have acceded or succeeded to the 1954 Convention and five to the 1961 Convention, bringing the total number of States parties to 53 and 24 respectively.

IX. THE CONVENTION AND SOLUTIONS

96. The goal of all protection efforts is ultimately the reestablishment of a normal life. A solutions orientation is inherent in the Convention's provisions on cessation, on assimilation and on naturalization.[45] UNHCR's

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[44] See *UNHCR's Activities in the Field of Statelessness: Progress Report*, (EC/51/SC/CRP.13, para. 5); *Evaluation of UNHCR's Role and Activities in Relation to Statelessness Issues*, (EPAU/2001/09), July 2001.

[45] 1951 Convention, Articles 1C and 34 respectively. Although the cessation of refugee status is not in itself a durable solution, the successful attainment of a durable solution, whether through voluntary repatriation, integration or resettlement, will normally lead to cessation of refugee status.

Statute requires the organization to seek permanent solutions to the problem of refugees by assisting governments to facilitate the voluntary repatriation of refugees, or their assimilation within new national communities.[46] Formally, there is no hierarchy among the traditional durable solutions - voluntary repatriation, local integration and resettlement. In fact voluntary repatriation has come to be the preferred of the three where it is viable. Often, a combination of solutions within the framework of a comprehensive approach, will be necessary to achieve lasting resolution of a refugee situation.

A. Voluntary repatriation

97. Voluntary repatriation, when feasible, is widely recognized as the most desirable durable solution.[47] It requires, however, a high level of political engagement to resolve often complex and protracted situations in countries of origin, as well as a commitment to fostering a favourable socio-economic and legal framework conducive to safe and dignified return. Successful implementation may require a combination of measures by different actors, ranging broadly from confidence-building measures, through legal and judicial capacity-building activities to the conclusion of formal voluntary repatriation agreements, the setting up of effective returnee monitoring arrangements and the design of targeted reintegration packages in the country of origin. Inter-agency co-operation is usually also a fundamental component.

98. During the reporting period, UNHCR has made concerted efforts to promote or at least to facilitate voluntary repatriation in a number of situations around the world. In Eastern Africa, South-Eastern Europe, Central and South Asia, refugee groups were able to return home after having spent many years in exile. UNHCR provided information and counselling to various refugee groups concerned to enable free and informed choices about return. "Go and see" visits were facilitated to allow refugees to assess conditions before return, "come and talk" programmes allowed returnees to dialogue with the refugee communities and cross-border bus lines re-established contact between communities. The identification and removal of legal and administrative obstacles were, in several of these situations, one crucial factor promoting the return. UNHCR was involved, for instance, in the drafting of appropriate property legislation and designing measures to underpin its implementation in a number of countries.[48] UNHCR cooperated in the verification of the nationality status of members of a long-standing refugee population, which was a welcome advance in a protracted problem. Reintegration assistance packages were provided by UNHCR in other situations. They included community-based income-generating projects, shelter programmes and the distribution of self-help kits, benefiting also the local population, so as to contain any possible resentment regarding discriminatory treatment in favour of returnees.[49] An updated version of UNHCR's Operational Framework

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[46] UNHCR Statute, chapter I, para. 1.
[47] See EXCOM, Conclusions Nos. 85 (XLIX), 1998, para. (gg); 87 (L), 1999, para. (r); 89 (LI), 2000.
[48] See *Refugee Survey Quarterly* special issue on housing and property restitution for returnees, vol. 19, No. 3, 2000; Centre on Housing Rights and Evictions, *Housing and Property Restitution for Refugees and Internally Displaced Persons: International, Regional and National Legal Resources*, Geneva, May 2001.
[49] See *Reintegration: A Progress Report*, (EC/51/SC/CRP.5).

for Repatriation and Reintegration Activities was issued last year to guide UNHCR repatriation and reintegration strategies.

99. There were also setbacks, however, in some operations where repatriation was imminent or ongoing. Renewed fighting, lack of sustained political settlement or ongoing instability proved major impediments to successful repatriation, interrupting the delivery of humanitarian assistance or leading to further displacement. In one situation, ongoing intimidation and coercion have effectively deprived remaining refugee groups of the opportunity to return home despite confidence-building measures undertaken by UNHCR, such as mass information campaigns and the facilitation of active dialogue between the different communities. UNHCR has had variously to relocate refugees to safe sites where they could be better assisted and monitored.

B. Local integration

100. Local integration[50] remains an important durable solution in a number of situations, although its realization requires investment in public confidence-building, particularly with local communities, as well as mobilizing socio-economic incentives within an international burden- and responsibility-sharing framework. It works best when forming an integral part of a comprehensive durable solutions strategy. The challenge is to maximise the potential of refugees for local communities, ensuring they become integral and contributory actors in the development of localities and regions.

101. In a positive development, several countries in Europe, Africa and the Americas have undertaken or consolidated efforts directed at making available local integration opportunities for refugees who, for a variety of reasons, would not be able to return to their respective countries of origin in the foreseeable future. These efforts were particularly successful in countries where self-sufficient refugees were demonstrably able to benefit hosts as a source of labour and expertise, and by expanding consumer markets for local goods. In a number of developing countries with limited resources, enabling refugees to become self-sufficient led to some increase in foreign aid and attracted development projects of benefit to the community as a whole. In other situations where refugees were previously accommodated in camps and refugee settlements for long periods, achieving self-sufficiency was a way of instilling a sense of productivity and reducing the security problems associated with encampments.

102. During the reporting period, UNHCR conducted a number of surveys covering urban refugee caseloads and long-standing refugee populations in protracted situations, with a view to designing targeted assistance measures to promote self-sufficiency and develop integration potential. This resulted in local settlement programmes which *inter alia* involved shelter projects, skill-development activities and credit schemes. UNHCR-funded legal aid centres in a number of countries provided counselling and legal assistance to refugees opting for naturalization, thus paving the way for permanent integration. In countries with limited resources, UNHCR's integration

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[50] 1951 Convention, Article 34. See also, K. Jacobsen, *The Forgotten Solution: Local Integration for Refugees in Developing Countries*, New Issues in Refugee Research, Working Paper no. 45, UNHCR, Geneva, July 2001.

packages generally included support in the form of vocational training, income-generating projects, distribution of seeds and basic agricultural tools and legal assistance projects to facilitate the allocation of land and regularization of status.

C. Resettlement

103. Resettlement is both a tool of international protection and a durable solution. It strengthens the principle of first asylum and helps solve long-standing refugee problems in a spirit of international solidarity and responsibility-sharing. As such, it forms an integral part of a comprehensive range of responses and is a complement to - not a substitute for - the provision of asylum.

104. There are now 18 countries on most continents which offer resettlement places. While working to build the capacity of these new or emerging resettlement States, UNHCR has been exploring, over the reporting period, further expansion of resettlement through the identification and fostering of future resettlement countries and the number and quality of resettlement places in existing countries.[51] A resettlement expert was thus deployed in Latin America to work directly with the governments of new resettlement countries. This led to the first selection missions being despatched to a diverse range of countries of asylum outside the region.

105. UNHCR intensified its efforts to ensure that resettlement policies and criteria are applied consistently and transparently across the globe, and to enhance responsiveness, especially in emergency cases, through specially tailored arrangements for priority submissions.[52] There were also efforts to promote greater flexibility in accepting UNHCR's resettlement criteria. This was especially crucial for refugees who have been in limbo for many years and for *prima facie* refugees with particular protection needs in the country of asylum. One category of refugees which can be difficult to resettle is adolescent boys. As a positive development, a group of some 2,000 youths which included a group of minors were resettled by the end of July 2001 in the United States. The group had come to be known as the "lost boys" on account of their repeated displacement in East Africa.

106. The importance of more concerted reception and integration efforts on behalf of resettled refugees was recognized at an international conference in Nörrkoping, Sweden, in April 2001. The gathering served both to advance resettlement and integration processes and procedures and to strengthen formal and informal links between traditional and new or emerging resettlement countries. In addition to serving as the stimulus for various collaborative initiatives, the conclusions and recommendations of the meeting are to be shortly incorporated into an addendum to the UNHCR *Resettlement Handbook*.

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[51] In addition to the 10 traditional resettlement countries (Australia, Canada, Denmark, Finland, the Netherlands, New Zealand, Norway Sweden, Switzerland, and the USA), eight have been added since 1997 (Argentina, Benin, Brazil, Burkina Faso, Chile, Iceland, Ireland, and Spain).

[52] See *New Directions for Resettlement Policy and Practice*, (EC/51/SC/INF.2). See also *The Use of Resettlement to Address Durable Solution Needs*, annual tripartite consultations on resettlement, June 2001.

X. OUTLOOK

107. The 1951 Convention and its 1967 Protocol together are the most comprehensive instruments which have been adopted to date at universal level to safeguard the fundamental rights of refugees and to regulate their status in countries of asylum. As such, they remain fundamental to the international regime of refugee protection. To maximize adherence they were carefully framed to define minimum standards, without imposing obligations going beyond those that States can reasonably be expected to assume. The Executive Committee has consistently recognised that they are "the cornerstone" of international protection and that, in addition to accession, effective application of their principles are of the utmost importance.

108. In this 50th anniversary year it was considered important to present to the Executive Committee, in the form of this Note, a general stocktaking of the state of implementation of the 1951 Convention. What is clear from the foregoing paragraphs is that respect of the Convention remains strong, but implementation, across the spectrum of its provisions, is variable and encounters obstacles of various forms and origins.

109. The obstacles to implementation have traditionally been and remain of three kinds: socio-economic, legal and policy, and practical. There are inevitable tensions between international obligations and national responsibilities where countries called upon to host large refugee populations, even on a temporary basis, are suffering from their own severe economic difficulties, high unemployment, declining living standards, shortages in housing and land and/or continuing man-made and natural disasters. Legal obstacles to proper implementation include the clash of, or inconsistencies between, existing national laws and certain Convention obligations; failure to incorporate the Convention into national law through specific implementing legislation; or implementing legislation which defines not the rights of the individuals but rather the powers vested in refugee officials. As to the latter, this means that protection of refugee rights becomes an exercise of powers and discretion by officials, rather than enforcement of specific rights identified and guaranteed by law. Where the judiciary has an important role in protecting refugee rights, restrictive interpretations can also be an impediment to full implementation. Finally, the maintenance of the geographic limitation by some countries is a serious obstacle to effective implementation.

110. At another level, there are bureaucratic obstacles, including unwieldy, inefficient or inappropriate structures for dealing with refugees, a dearth of manpower generally or of adequately trained officials, and the non-availability of expert assistance for asylum-seekers and refugees. Finally, there are certain problems of perception at the governmental level, including that the grant of asylum is a political statement and can be an irritant in inter-state relations.

111. In some States there are additional obstacles. The provisions of the Convention are comprehensive in certain areas where State capacity and resources are limited. Public opinion does not always understand or support efforts undertaken on behalf of asylum-seekers or refugees, particularly where they arrive in large numbers or where they come by illegal or irregular channels. Proper fulfilment of responsibilities can be a function of

political will and governmental policy, which in turn can be influenced by perceptions of the national interest and problems of a geopolitical nature. The imprecision of the language of a number of the Convention's provisions - as indeed with any international law instrument - can facilitate selective interpretation or application, particularly where new displacement dilemmas are not well addressed through the Convention's framework, or where there is divergence between the profiles of groups of asylum-seekers and the classical concept of refugee.

A. Strengthening implementation - the way ahead

112. International protection of refugees has been accepted as a common trust. One essential aspect of such a trust is that responsibility for ensuring it is either widely shared by many or it may well be borne by no-one.

113. UNHCR has been mandated by the international community with a particular responsibility to ensure effective implementation of the Convention and Protocol within the overall framework of its international protection responsibilities. Pursuant to Paragraph 8(a) of its Statute, Article 35 of the Convention and Article II of the Protocol, UNHCR would encourage governments to seize the opportunity of the 50th anniversary to give concerted attention to addressing the various obstacles which impede implementation in their respective countries and to take resolute measures to strengthen implementation. In this regard a number of possibilities present themselves. These range from a more regularized system of reporting, periodic meetings of States Parties to review problems and progress with implementation, to harmonized regional processes for interpretation and application of the principles. Improving monitoring arrangements would facilitate implementation. There is value in building up local support bases for fair treatment of refugees, with one possibility in this regard being the creation of National Refugee Councils. Clearly implementation is most satisfactory where States adopt specific legislative and administrative implementing measures.

114. Enhanced appreciation of and active support for UNHCR's supervisory role by States is fundamental. There is a clear need for greater cooperation in the provision of information to UNHCR on matters affecting refugee protection in States Parties, including in the area of new laws and processes before they come into effect.

115. Strengthening implementation is both a policy and an operational challenge. It has to go beyond mere restatement of a commitment, to the identification now of practical avenues. A number of ideas in this regard are now on the table following an expert Roundtable organised by UNHCR in Cambridge in July 2000 to examine supervision of the Convention pursuant to its Article 35.[53] The ultimate goal of enhanced supervision and implementation is reinforcement of the collective capacity of States to meet the protection needs of all refugees.

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[53] See http://www.unhcr.ch/issues/asylum/globalconsult/main.htm for the relevant Conclusions of the expert Roundtable in Cambridge, July 2001.

B. The Global Consultations process

116. This is also the goal, more generally, of UNHCR's Global Consultations process launched in October 2000.[54] While recognizing the centrality of the Convention, the Consultations seek to buttress it by addressing broader policy considerations, strengthening international cooperation and designing practical responses to the multifaceted displacement issues of the present day. Various meetings under the three parallel "tracks" of the Consultations have been briefly mentioned above. In addition, six regional meetings have been held so far, while the participation of refugees as key stakeholders in the system and of NGOs has been promoted through dialogues and workshops.[55] In a spirit of furthering refugee protection by enhancing global responsibility sharing, the objectives of the Global Consultations are to:

- promote the progressive development of international law for the protection of refugees;
- universalize standards and avoid compartmentalization;
- ensure greater consistency and complementarity between human rights instruments and the Convention;
- implement the international refugee protection regime more effectively through better review, monitoring and technical assistance;
- strengthen supervision of the Convention by UNHCR;
- enhance international cooperation by sharing burdens and responsibilities;
- widen the stakeholders in the system.

117. The Global Consultations will culminate in a Ministerial Meeting on 12 December 2001, although the process as such will continue into mid-2002. The task will then be to take stock of progress made and consolidate this into an Agenda for International Protection, which will set the global protection policy framework to be built upon and operationalized in the years to come.

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[54] Latest update available on website.

[55] Regional meetings were held in Pretoria (South Africa), Ottawa (Canada), Macao (China), Budapest (Hungary), San José (Costa Rica) and Cairo (Egypt), with a seventh due in Oslo (Norway) in November 2001. Refugee participation has been promoted through an international dialogue with 50 refugee women in Geneva and a debate bringing together over 500 refugees in the French National Assembly in Paris in June 2001, while a forum of refugees in Europe is to be held in Rouen (France) in September 2001.